

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALEX REINIG, KEN GRITZ, BOB)	
SODA, MARY LOU GRAMESKY,)	
PETER WILDER SMITH, WILLIAM)	
KINSELLA, DANIEL KOLENDA,)	Civil Action No. 2:15-cv-01541-AJS
VALERIE DAL PINO, AHMAD NAJI,)	
ROBERT PEDERSEN, TERESA)	
FRAGALE, MARK ROSS, DANIEL)	
JENKINS, and DAVID HOWARD,)	
)	
Plaintiffs,)	ELECTRONICALLY FILED
v.)	
)	
RBS CITIZENS, N.A.,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO QUASH SUBPOENAS AD TESTIFICANDUM
ISSUED BY PLAINTIFFS

Pursuant to Federal Rule of Civil Procedure 45, Defendant Citizens Bank, N.A. (incorrectly named as RBS Citizens, N.A. and hereinafter referred to as “Defendant”), by and through its undersigned counsel, respectfully moves the Court to quash the subpoenas *ad testificandum* issued by Plaintiffs seeking to command the appearance of Matthew Egan, Chace Gundlach, Tad Kuhn, Dean Mathieson, Andrew McNally, Nancy Monbouquette, and Robert Sutton to provide Plaintiffs with a second deposition set to occur three and four days before trial (the “Subpoenas”). In support of its Motion, Defendant states as follows:

1. Per this Court’s June 25, 2019 Pretrial Order, trial of this case is set to commence on September 23, 2019, in Pittsburgh, Pennsylvania. (Dkt. No. 284)
2. On September 9, 2019, Plaintiffs purported to serve the Subpoenas on defense counsel via electronic mail seeking “trial depositions” of the aforementioned witness. Through the Subpoenas, Plaintiffs purport to require: Nancy Monbouquette and Dean Mathieson to appear

for a deposition at Regus Business Center, One Marina Park Dr., Suite 1410, Boston, MA 02210 on September 19, 2019; Matthew Egan and Chace Gundlach to appear for a deposition at Messa & Associates, P.C., 123 S. 22nd Street, Philadelphia, PA 19103 on September 19, 2019; Tad Kuhn to appear for a deposition at Easton Centre – Columbus, 4449 Easton Way, 2nd Floor, Columbus, Ohio 43219 on September 19, 2019; Andrew McNally to appear for a deposition at Courtyard by Marriott Richmond Airport, 5400 Williamsburg Road, Sandston, Virginia 23150 on September 20, 2019; and Robert Sutton to appear for a deposition at Independence Center, 6100 Oak Tree Blvd., Suite 200, Independence, Ohio 44131 on September 20, 2019 (collectively, Matthew Egan, Chace Gundlach, Tad Kuhn, Dean Mathieson, Andrew McNally, Nancy Monbouquette, and Robert Sutton are hereinafter referred to as “the Witnesses”).

3. The Subpoenas are procedurally deficient in the following ways: (1) the Subpoenas require second depositions of Witnesses that have already been deposed, in violation of Rule 26(b)(2); (2) Plaintiffs did not properly serve the subpoenas and requisite fees to the Matthew Egan, Chace Gundlach, Andrew McNally, or Nancy Monbouquette for their attendance and mileage as required by Rule 45(b)(1); (3) the Subpoenas are not timely, as Plaintiffs were aware of the trial date scheduled in this matter since the issuance of the Pre-Trial Order on June 25, 2019, and yet have chosen to notice depositions with only ten days’ notice, and scheduled for only three to four days before the start of the trial, in violation of Rule 26(b)(2); and (4) several of the above-listed depositions are scheduled simultaneously in different states (Ohio, Massachusetts, Pennsylvania, and Virginia), preventing defense counsel from properly defending the depositions.

4. For all of the aforementioned reasons and those set forth in the accompanying Memorandum of Law, the Court should quash each of the Subpoenas.

5. To the extent the Court allows Plaintiffs to proceed with the untimely and burdensome second depositions of the Witnesses, the depositions should be limited in time to two hours or less, and to specific topics that Plaintiffs demonstrate, for good cause, were not addressed during the Witnesses' original depositions.

Wherefore, Defendant respectfully requests that the Court grant its Motion and quash the Subpoenas directed to Matthew Egan, Chace Gundlach, Tad Kuhn, Dean Mathieson, Andrew McNally, Nancy Monbouquette, and Robert Sutton.

Respectfully submitted,

/s/ Christina T. Tellado

Thomas E. Hill (admitted *pro hac vice*)

Thomas.Hill@hklaw.com

Christina T. Tellado (PA204246)

Christina.Tellado@hklaw.com

HOLLAND & KNIGHT LLP

400 South Hope Street, Floor 8

Los Angeles, CA 90071

Telephone: (213) 896-2442

Facsimile: (213) 896-2450

Attorneys for Defendant

Dated: September 12, 2019

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, this 12th day of September, 2019, the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel indicated on the electronic filing receipt. Parties may access this filing through the Court's ECF system.

/s/ Christina T. Tellado

Counsel for Defendant